

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
For Engineer Springs Wireless Telecommunications Facility
P05-022, ER 05-19-016**

March 10, 2008

I. Introduction

The project proposes the construction and operation of an unmanned wireless telecommunication facility that is impacting 0.26 acres of southern mixed chaparral with the construction of a concrete equipment shelter, 35' high faux broadleaf tree, access road and fire clearing. The project will also include proposed HVAC units, a water pump mounted inside of an underground enclosure and a telco and electrical trench located along the existing road. The lease area is relatively small, and the land surrounding the site is fragmented by residential developments to the east, south, and west of the property.

The project site is located at 1654 Arnoldo Road within the Jamul-Dulzura Community Planning Area in the unincorporated portion of San Diego County (APN 649-141-06). This property is located to the east of Campo Road. It is within the Metro-Lakeside-Jamul Segment of the Multiple Species Conservation Program (MSCP). However, it is located outside of the Pre-approved Mitigation Area (PAMA). The nearest PAMA is approximately 2.02 miles to the west of the site.

A biological resources report dated June 26, 2007 was prepared by REC Consultants, Inc. Two vegetation categories were mapped within a 16-acre study area: southern mixed chaparral and urban/developed land. The project will impact approximately 0.91-acre of the study area, including 0.57-acre of Tier-III habitat, as summarized in Table 1.

One County-sensitive wildlife species was observed on site, Turkey Vulture (*Cathartes aura*). The project will be conditioned to prevent any disturbance during avian breeding season. One sensitive plant species, San Diego sunflower (*Viguiera lacinata*) was observed onsite. The project will impact approximately 40 specimens of San Diego sunflower through grading and fire clearing and will impact 0.26 acres of southern mixed chaparral, Tier III habitat. To mitigate for the loss of 0.26 acres of chaparral and the 40 San Diego sunflower plants, 0.13 acres of chaparral shall be purchased off-site in a pre-approved mitigation bank. The loss of the 40 San Diego sunflower plants is not significant since there are several hundred plants onsite, and the purchase of off site habitat will ensure the long term sustainability of the population. Additionally, the majority of the onsite San Diego sunflowers onsite will be located within dedicated open space per TPM 20903, currently in process on the subject parcel.

Mitigation measures have been listed in the Mitigated Negative Declaration (MND) and applied in accordance with the Biological Mitigation Ordinance (BMO) and will include purchase of 0.13 acre-credits of Tier III habitat in an approved mitigation bank within a

Biological Resource Core Area (BRCA), avoidance of the avian breeding season during construction, and temporary fencing around the lease area during construction.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Southern Mixed Chaparral (37120)	III	16	0.26	0.5:1	0.13
Total:	--	16	0.26	0.5:1	0.13

The findings contained within this document are based on County records, staff field site visits and the Biological Letter Report prepared by REC Consultants, Inc and dated June 26, 2007. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

- i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

The project site is not shown on the wildlife agencies' Pre-Approved Mitigation Map as PAMA lands. The nearest location of PAMA lands from the project site is approximately 2.02 miles to the west. There are also existing residential developments to the south, east, and west of the property.

- ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

The wireless facility lease area is relatively small and is adjacent to an existing private driveway and pad. The facility is located on a parcel that is currently developed with a single family residence. The land surrounding the site is fragmented by residential developments to the east, south, and west of the property.. The sensitive habitat on site (southern mixed chaparral) does not appear to directly contribute to a BRCA. It is not believed that potential impacts to 0.26-acre of Tier-III habitat will significantly compromise the potential long-term viability of native habitat lands that have the potential to support sensitive species. The site is not adjacent to or contiguous to habitat within a PAMA.

The 0.26 acre of impacted chaparral habitat and the 40 specimens of San Diego sunflower (*Viguiera lacinata*) will be mitigated for at a 0.5:1 ratio. A purchase of 0.13 acres of chaparral will be made in an off-site pre-approved mitigation bank. The population of San Diego sunflower found on the project site does not represent a significant population that would contribute to the long-term survival of the species.

- iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:**
- a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
 - b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The project site is not part of any identified regional linkage or corridor as shown on the MSCP Subarea Map. The project site does not contain ridge lines or valleys that would maintain line of site to promote wildlife through the area. The lease area is relatively small, is partially developed, and the land surrounding the site is developed to the east, south, and west of the property. The project is not considered a linkage or corridor between northern and southern regional

populations of California gnatcatchers. The site does not support coastal sage scrub and the use of the site by California gnatcatchers is not expected. Therefore, the project would not significantly compromise any potential local corridors within the proximity of the project site.

- iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.**

The MSCP Habitat Evaluation Map shows the site as high, medium, and low habitat value. The habitat mapped within the cell site facility location consists primarily of disturbed habitat and southern mixed chaparral. These habitats are highly affected from the existing driveway and pad. To comply with Biological Mitigation Ordinance, the project will be mitigating for all impacts to this habitat through off site mitigation. The site is not within a larger mosaic of sensitive habitats that would contribute to a regional preserve assembly.

- v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.**

The project site is relatively small (16 acres) and supports developed and southern mixed chaparral habitats. The site is bordered by lands fragmented by roads and trails. The site is not located within a block of habitat greater than 500 acres.

- vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:**

- a. Gabbroic rock;**
- b. Metavolcanic rock;**
- c. Clay;**
- d. Coastal sandstone**

The study area contains 16 acres of southern mixed chaparral and developed habitats. It is not believed to support a high number of sensitive species. The project site contains Tier III and Tier IV vegetation communities. Locally common species were detected and no rare animal species are expected to occur. One sensitive plant was observed onsite, the San Diego sunflower. Several hundred San Diego sunflower plants were found south of the existing pad on the south facing slope. The lands surrounding the site are fragmented by roads.

The project site contains Cieneba rocky coarse sandy loam and a small section of Visalia sandy loam located in the southwestern portion of the site, which are not considered to be from gabbroic rock, metavolcanic rock, clay or coastal sandstone. It is not believed that soils existing on the project site would support a high number of species.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

The loss of 0.26-acre of Tier-III habitat is considered significant pursuant to the BMO. Impacts to these habitats, as a result of the construction of a concrete equipment shelter, faux broadleaf tree, access road and fire clearing, will be mitigated through the purchase of habitat in a County approved mitigation bank within the County's MSCP boundaries. The County approved mitigation bank is considered a BRCA since it supports high habitat value, connectivity to native habitat lands, and maintains long-term viability of habitat.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The project is not believed to support any critical populations of sensitive plant species, narrow endemic species, or BRCA lands identified within the MSCP Subarea Plan or the BMO. The project impacts are relatively small and impacts to Tier-III habitat will occur immediately adjacent to disturbed habitat. Impacts to 0.26-acre of chaparral and 40 specimens of San Diego sunflower will be mitigated at a 0.5:1 ratio in accordance with the requirements of the BMO. Additionally, the majority of the onsite San Diego sunflowers will be located within dedicated open space per TPM 20903, currently in process on the subject parcel. Impacts to BRCA's have been avoided, impacts to sensitive resources and sensitive species have been minimized as outlined in the BMO and the siting of the project location meets the goals of project design. Therefore, BMO Findings, including Attachments G and H, are not necessary.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

The project site does not contain any wetlands as defined by the County of San Diego (pursuant to the Resource Protection Ordinance), California Department of Fish and Game (pursuant to the Fish and Game Code), or the Army Corps of Engineers (pursuant to the Clean Water Act). Therefore, no impacts will occur to any jurisdictional wetlands, and the no net loss of wetlands standards, goals, and policies have been satisfied.

2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

The project will impact 0.26 acres of mixed southern chaparral habitat. The potential loss of 0.26-acre of chaparral will be mitigated off site at a 0.5:1 ratio. Therefore, the proposal to mitigate off-site in an approved bank within a BRCA will contribute more to conserve diverse and unique resources types of high value than preservation onsite would.

3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.

The project area does not support coastal sage scrub or other Tier I or II habitats. Proposed impacts will remove 0.26-acre of Tier-III habitat in an area mapped as "high" by the MSCP habitat evaluation model. The potential loss of 0.26-acre of southern mixed chaparral will be mitigated off site at a 0.5:1 ratio. Therefore, the proposal to mitigate off-site in an approved bank will contribute more to preserve assembly and to the conservation of sensitive habitat types that are in high to very high value areas.

4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.

On-site mitigation is not proposed as part of this project; therefore, the application of preserve design principles is not warranted for this project. However, impacts to 0.26-acre of chaparral and 40 specimens of San Diego sunflower will be mitigated at a 0.5:1 ratio in accordance with the requirements of the BMO. Additionally, the majority of the onsite San Diego sunflowers will be located within dedicated open space per TPM 20903, currently in process on the subject parcel.. The Purchase of off-site mitigation credits as proposed by the project will aid in creating large blocks of high quality habitat where edge effects are minimal and land is protected in perpetuity.

5. The project provides for the development of the least sensitive habitat areas.

The proposed wireless facility has been placed adjacent to a private driveway, and close to the disturbed area on the project site. The impact area consists of Tier III and Tier IV vegetation communities outside of any potential BRCA or linkage/corridor. The lease area is relatively small, and the land surrounding the site is fragmented by residential developments to the east, south, and west of the property. The potential loss of 0.26-acre of chaparral and 40 sensitive San Diego sunflower plants will be mitigated for off site at a 0.5:1 ratio. Additionally, the majority of the onsite San Diego sunflowers will be located within dedicated open space per TPM 20903, currently in process on the subject parcel.. Therefore, the project proposes to minimize potential direct and indirect impacts to biological resources, and then mitigate impacts in a high-value area that will contribute to the assembly of a preserve system. As such, the project meets the findings, purpose and intent of the MSCP and BMO.

6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.

Based on the biological letter report (REC Consultants, 2007), the proposed site is not believed to support key regional populations of covered species. Furthermore, the habitat on site does not represent habitat that functions as a biological unit for any key regional populations. The potential loss of 0.26-acre of chaparral and 40 San Diego sunflower plants will be mitigated off site at a 0.5:1 ratio; the purchase of the off-site mitigation within a BRCA is expected to contribute to the preservation of a functioning ecosystem supporting MSCP covered species. Additionally, the majority of the onsite San Diego sunflowers will be located within dedicated open space per TPM 20903, currently in process on the subject parcel.. One County-sensitive wildlife species was observed overhead, Turkey Vulture (*Cathartes aura*). The project will be conditioned to prevent any disturbance during avian breeding season

7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.

The site is not located adjacent to any known golden eagle nest sites or within known eagle foraging areas. The project site does not support large interconnecting blocks of habitat. Surveys onsite conducted by REC Consultants did not detect any of these species. Therefore, the project will not affect any large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule Deer, Golden Eagles and large predators.

8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in

the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.

The Biological Letter Report prepared by REC Consultants, Inc and dated June 26, 2007 concluded that no critical or narrow endemic plant or animal species were detected on the site. One County-sensitive wildlife species was observed overhead: Turkey Vulture (*Cathartes aura*). Impacts to this species will be minimized by the implementation of breeding season avoidance. Such mitigation will be a condition of project approval. One sensitive plant species does occur on site: San Diego sunflower. Mitigation for impacts to the San Diego sunflower and to the impacted chaparral habitat will take place off site via the purchase of habitat within a BRCA. The lease area is relatively small, and the land surrounding the site is fragmented by residential developments to the east, south, and west of the property. Additionally, the majority of the onsite San Diego sunflowers will be located within dedicated open space per TPM 20903, currently in process on the subject parcel. . Therefore, the proposed facility is not expected to result in impacts to narrow endemic species or to rare or endangered plants.

9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.

Proposed development of the wireless facility will not jeopardize any existing preserve systems within the Metro-Lakeside-Jamul Segment of the MSCP, nor will the loss of 0.26-acre of Tier-III habitat compromise any possible or probable preserve area. The nearest PAMA is approximately 2.02 miles to the west of the site. Additionally, the project site is not considered a Biological Resources Core Area for the reasons stated in section II.A. Thus, the project would not adversely affect any existing or future MSCP preserve.

10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.

The project site does not propose any onsite preservation of habitat. The potential loss of 0.26-acre of chaparral will be mitigated off site at a 0.5:1 ratio. All mitigation shall occur in a County approved mitigation bank within the boundaries of the County's MSCP.

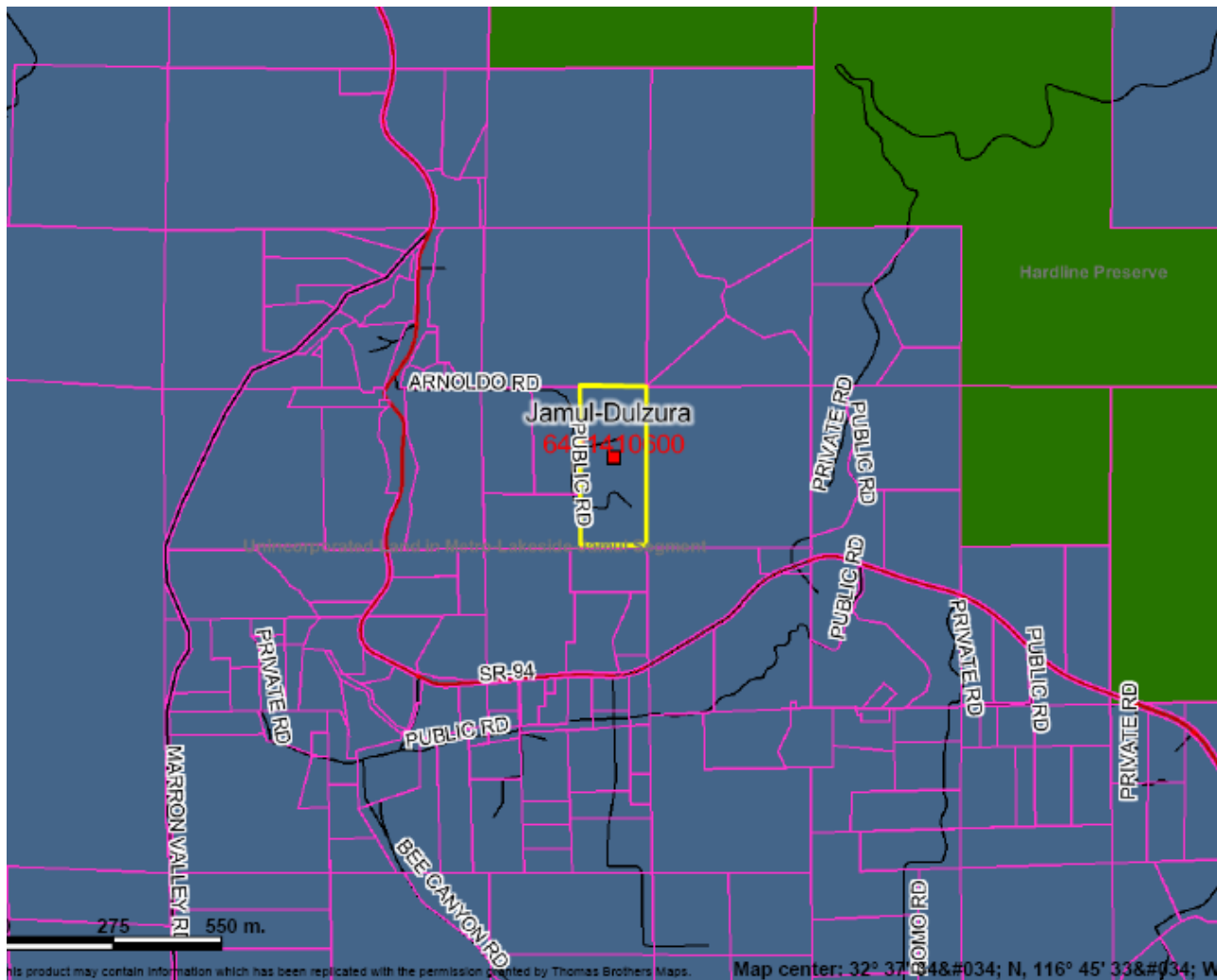
11. Every effort has been made to avoid impacts to BRCA's, to sensitive resources, and to specific sensitive species as defined in the BMO.

The project site is not located within a BRCA. The habitat types found on-site are Tier III and Tier IV. The lease area is relatively small, and the land surrounding the site is fragmented by residential developments to the east, south, and west of the property. Under the BMO, impacts to southern mixed chaparral and to Group-D County plants may be mitigated through habitat-based mitigation. The potential loss of 0.26-acre of chaparral and 40 sensitive San Diego sunflower plants will be

mitigated off site at a 0.5:1 ratio, in accordance with the BMO; the purchase of the off-site mitigation within a BRCA is expected to contribute to the preservation of a functioning ecosystem supporting MSCP covered species. Additionally, the majority of the onsite San Diego sunflowers will be located within dedicated open space per TPM 20903, currently in process on the subject parcel. Therefore, impacts to BRCAs have been avoided, and impacts to sensitive resources and sensitive species have been minimized as outlined in the BMO.

Terri Foster, Department of Planning and Land Use
March 10, 2008

MSCP Designation For Engineer Springs Major Use Permit MUP 05-022, Log 05-19-016



- Parcels
- Highways
- Freeways
- Streets
- Water Bodies
- Water Bodies
- MSCP_Designations - South
- Hardline Preserve
- Pre-Approved Mitigation Area (PAMA)
- Major Amendment Area
- Minor Amendment Area
- Minor Amendment Area Subject to Special Considerations

- Conserved Subject to Agreement with Wildlife Agencies
- Santa Fe Valley Open Space II
- Santa Fe Valley 'D' Designator
- Otay Ranch Areas Where No Take Permits will be Issued
- Take Authorized Area
- Unincorporated Land in Metro-Lakeside-Jamul Segment
- Other
- Community Planning Area